

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

STACEY LYNN REICHER,

Plaintiff,

V.

THE TOWN OF ABINGDON,

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Case No. 1:21CV70637

SCHEDULING ORDER

JUDGE JAMES P. JONES

Pursuant to Rule 16(b)(1), it is **ORDERED** as follows:

1. The Joint Rule 26(f) Plan, ECF No. 25, is ADOPTED, except that its provision as to Rule 26(a)(2) disclosures is NOT adopted and such disclosures are as determined by this Scheduling Order. No trial date is scheduled at this time.
2. If the case is settled, the court will dismiss the case from the docket and if no agreed final order or judgment is thereafter submitted within 60 days, or if no party files a motion to reopen within such time, the case shall, without further order, stand dismissed with prejudice.

Motions

3. A supporting brief must accompany all motions unless the motion itself contains the legal argument necessary to support it. If the motion is opposed, a brief in opposition must be filed within 14 days of the service of the movant's brief. If

the moving party desires to submit a reply brief, it must be filed within 7 days of the date of service of the brief opposing the motion.

4. Dispositive motions, including motions for summary judgment, must be filed no later than **May 3, 2023**. Briefs in opposition to such motions must be filed within 14 days of any such motion. If the moving party desires to submit a reply brief it must be filed within 7 days of the filing of the brief opposing the motion, and in no event later than prior to the day before the hearing.

5. If a motion is unopposed and the moving party certifies such fact in the motion, no brief need be filed, nor response made to the motion. Procedural motions, including motions for enlargement of time, whether or not opposed, may be acted upon at any time by the court, without awaiting a response, and any party adversely affected by such action may request reconsideration, vacation, or modification of such action.

6. With any motion or brief that exceeds 50 pages, including attachments and exhibits, counsel must provide a paper courtesy copy to the chambers of the judge.

Discovery

7. The parties must forthwith make initial disclosures as required by Rule 26(a)(1) unless the parties stipulate otherwise.

8. All discovery must be completed by **April 3, 2023**. This schedule requires that written discovery be served in sufficient time to allow the responding party time to respond before the cutoff date for discovery.

9. Discovery and disclosure material is not to be filed unless and until actually used in a proceeding, except as to the disclosures and objections thereto under Rule 26(a)(3) of trial witnesses and exhibits, which must be filed.

10. All discovery disputes are hereby referred to the Honorable Pamela Meade Sargent, United States Magistrate Judge, for hearing and determination, pursuant to 28 U.S.C. § 636(b)(1)(A) and Rule 72(a). The briefing requirements set forth in this order do not apply to motions before the magistrate judge, who shall determine any briefing requirements with respect to such motions.

Witnesses

11. The plaintiff must disclose expert testimony as required by Rule 26(a)(2) no later than 120 days prior to the discovery deadline. Rebuttal expert disclosures by the defendant must be made within 14 days after any initial expert disclosures.

12. Any motion to exclude the testimony of an expert based on the sufficiency or reliability of the expert's testimony must be filed no later than the date for dispositive motions.

13. At least 14 days prior to trial, the parties must make the pretrial disclosures of witnesses and exhibits required by Rule 26(a)(3). The parties must make objections to deposition testimony and exhibits at least 7 days prior to trial. The listing of a potential objection does not constitute the making of that objection or require the court to rule on the objection; rather it preserves the right of the party to make the objection when and as appropriate during trial. No objection is needed and should not be listed based upon Rule 402 (relevancy) or Rule 403 (prejudice, confusion, etc.).

Mediation

14. At any time, the court may refer the case to the magistrate judge to conduct nonbinding mediation. Any party may make a confidential and ex parte request for such mediation.

ENTER: July 15, 2022

/s/ JAMES P. JONES
Senior United States District Judge